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Co-Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PIRELLI ARMSTRONG TIRE )  
CORPORATION RETIREE MEDICAL )  
BENEFITS TRUST, Derivatively on Behalf of )  
WELLS & FARGO COMPANY, )

Plaintiff,

vs.

JOHN G. STUMPF, et al.,

Defendants,

– and –

WELLS FARGO & COMPANY, a Delaware  
corporation,

Nominal Defendant.

No. 3:11-cv-02369-SI

**(Consolidated)**

STIPULATION AND ~~PROPOSED~~ ORDER  
SETTING DATE FOR AMENDED  
COMPLAINT

1 WHEREAS, between May 25, 2011 and June 21, 2011, six shareholder derivative actions  
2 were filed on behalf of Wells Fargo & Company, naming various individual and entity defendants.

3 WHEREAS, on August 3, 2011, the Court issued an Order Granting Unopposed Motions to  
4 Consolidate Related Actions; Appointing Co-Lead Plaintiffs and Co-Lead Counsel, and ordered  
5 plaintiffs to file a master complaint for the consolidated cases by August 19, 2011.

6 WHEREAS, on August 9, 2011, counsel for plaintiff in one of the consolidated actions,  
7 *Cottrell v. Stumpf*, No. 11-cv-3006-SI, filed a Request for Voluntary Dismissal of *Cottrell* Action  
8 pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). Said request was granted by Order of the court entered  
9 on August 12, 2011.

10 WHEREAS, on August 15, 2011, counsel for plaintiff, in another of the consolidated actions,  
11 *IBEW Local Union 98 and Louisiana Municipal Police Employees Retirement System v. Stumpf*,  
12 No. 11-CV-2662-SI, filed a Request of Plaintiffs Louisiana Municipal Police Employees Retirement  
13 System and IBEW Local Union 98 for Voluntary Dismissal of *LAMPERS* Action Pursuant to Fed. R.  
14 Civ. P. 41(a)(1)(A)(i).

15 WHEREAS, on August 15, 2011, counsel for plaintiff in consolidated action *Gorberg v.*  
16 *Stumpf*, No. 11-CV-2577-SI, filed a Request for Voluntary Dismissal of *Gorberg* Action pursuant to  
17 Fed. R. Civ. P. 4(a)(1)(A)(i).

18 WHEREAS, the parties, through their counsel, have met and conferred regarding the scope  
19 of the current allegations and agreed to setting the date for filing of a consolidated complaint.

20 NOW THEREFORE, the undersigned parties, by and through their counsel of record,  
21 stipulate as follows subject to the approval of the Court:

22 Lead Plaintiffs shall file and serve a Consolidated Complaint no later than September 12,  
23 2011.

24 DATED: August 19, 2011

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27 s/ Shawn A. Williams  
28 SHAWN A. WILLIAMS

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Co-Lead Counsel for Plaintiffs

DATED: August 19, 2011

HOWARD RICE NEMEROVSKI CANADY  
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Milligan, Nicholas G. Moore, Philip J. Quigley,  
Judith M. Runstad, Steven W. Sanger and Susan  
G. Swenson*

1 DATED: August 19, 2011

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Attorneys for Defendant *MERS Corporation*

9 I, Shawn Williams, am the ECF User whose ID and password are being used to file this  
10 Stipulation and [Proposed] Order Setting Date for Amended Complaint and Setting Briefing  
11 Schedule for Motion to Dismiss. In compliance with General Order 45, X.B., I hereby attest that  
12 Sarah A. Good and Kent M. Roger have concurred in this filing.

11 s/ Shawn A. Williams

12 SHAWN A. WILLIAMS

13  
14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15  
16 DATED: 8/25/11



17 THE HONORABLE SUSAN ILLSTON  
18 UNITED STATES DISTRICT JUDGE  
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CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2011, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 19, 2011.

s/ Shawn A. Williams

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## Mailing Information for a Case 3:11-cv-02369-SI

### Electronic Mail Notice List

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### Manual Notice List

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